

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹

PROMESA

Title III

No. 17 BK 3283-LTS

(Jointly Administered)

**JOINT INFORMATIVE MOTION TO NOTIFY SCHEDULE OF UPCOMING
DEPOSITIONS AND PROCEDURES FOR ATTENDANCE OF THE SAME**

To the Honorable United States District Judge Laura Taylor Swain:

The Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as sole Title III representative of debtors the Commonwealth of Puerto Rico (the “Commonwealth”), the Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”), and the Puerto Rico Public Buildings Authority (“PBA,” and collectively with the Commonwealth and ERS, the “Debtors”) pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”)², the Puerto Rico Fiscal Agency and Financial Advisory Authority (“AAFAF” and, together with the Oversight Board, the “Government Parties”), AmeriNational Community Services, LLC (the “Servicer”), as servicer

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (“Commonwealth”) (Bankruptcy Case No. 17-BK-3283- LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

² PROMESA is codified at 48 U.S.C. §§ 2101-2241.

for the GDB Debt Recovery Authority (the “DRA”), and Cantor-Katz Collateral Monitor LLC, which serves as the collateral monitor for Wilmington Trust, N.A. in connection with the new bonds issued by the DRA³ (the “Collateral Monitor,” and together with the Servicer, collectively, the “DRA Parties”, and jointly with the Government Parties, the “Parties”) respectfully submit this joint informative motion (the “Joint Motion”) setting forth the current schedule of upcoming depositions in connection with confirmation of the *Seventh Amended Title III Joint Plan of Adjustment of the Commonwealth of Puerto Rico* [Dkt. No. 17627] (as it may be amended, modified, or supplemented, the “Plan”), and in compliance with the *Order Establishing Procedures and Deadlines Concerning Objection to Confirmation and Discovery in Connection Therewith* [Dkt. No. 17640] (the “Confirmation Procedures Order”).

NOTICE

1. The Confirmation Procedures Order establishes (i) the deadline by which parties shall serve Initial Notices of Deposition⁴ as well as Follow-Up Deposition Notices (jointly, the “Depositions”); (ii) requires that Eligible Creditors, PSA Parties, and parties in interest (jointly, the “Deposition Parties”) shall receive notice of said Depositions; and (iii) outlines the Deposition Parties’ respective rights regarding participation and/or attendance in these Depositions. *See* Confirmation Procedures Order at ¶¶ 3, 13, 16.

2. The Parties have noticed several Depositions pursuant to the Confirmation Procedures Order. In order to ensure the Deposition Parties are able to participate in or observe the Depositions, the Parties herein set forth agreed-upon dates, times, and procedures for these

³ The DRA bonds were issued pursuant to the *Government Development Bank for Puerto Rico Debt Restructuring Act*, Act No. 109-2017, as amended by Act No. 147-2018.

⁴ Capitalized terms not defined in this Joint Motion shall have the meaning ascribed to them in the Confirmation Procedures Order.

Depositions. The Parties intend to file subsequent informative motions as needed to notify the Court of additional Depositions if and when they are scheduled:

<u>Name of Deponent:</u>	<u>Deposition Date:</u>	<u>Confidential:</u>
Andrew Wolfe	October 5, 2021 at 9:30 AM AST	No
Ojas Shah	October 6, 2021 at 9:30 AM AST	No
Natalie Jaresko	October 6, 2021 at 9 AM AST	No
Fernando Batlle as designated Rule 30(b)(6) witness for AAFAF	October 11, 2021 at 9:30 AM AST	Yes

3. Deposition Parties who wish to attend the Depositions are required to register their attendance by sending an email to promesadepositions@veritext.com at least 48 hours prior to the commencement of any Deposition. The Deposition Parties must state in the email whether they will be attending as either (i) a “Participant” or (ii) an “Observer” as defined below.

4. **“Participants.”** Eligible Creditors, including PSA Parties, are entitled to participate in the Depositions, as set forth in paragraph 13 of the Confirmation Procedures Order. Only such parties, along with the Parties to this Joint Motion (including AAFAF and the Oversight Board), may request the status of “Participant” in their email to promesadepositions@veritext.com. Participants will be provided with a link to obtain live video access of the Depositions. Because of technical limitations, there is a limited number of live video access feeds to the Depositions. Accordingly, to allow all requesting Participants to have access, for Depositions where over 25 Deposition Parties have registered as Participants, Participants represented by the same law firm (other than those Participants who noticed the Deposition and those defending the deponent) shall be limited to a maximum of 2 lines per firm.

5. **“Observers.”** Any party in interest who is not an Eligible Creditor and who has filed an Objection to confirmation of the Plan shall be entitled to attend the Depositions as an Observer, as set forth in paragraph 13 of the Confirmation Procedures Order. Observers will be provided with a telephone number with which they will be able to listen to the Depositions in real time.

6. Only Deposition Parties who have joined the Protective Order attached as Exhibit 2 to the Confirmation Procedures Order will be allowed access to the Depositions marked as “Confidential” in this Joint Motion.

7. The Parties have also agreed upon a protocol (the “Remote Deposition Protocol”) for Depositions taking place virtually due to the ongoing COVID-19 pandemic. A stipulation setting forth the Remote Deposition Protocol is being attached as **Exhibit A** hereto. All Deposition Parties attending a Deposition are required to comply with the terms of the Remote Deposition Protocol.

8. The procedures outlined in paragraphs 3 through 7 herein shall apply to any future Depositions that are scheduled in connection with confirmation of the Plan.

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Dated: October 1, 2021.
San Juan, Puerto Rico

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that, on October 1, 2021, I caused the foregoing document to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all CM/ECF participants in this case.

/s/ Nayuan Zouairabani
Nayuan Zouairabani